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09/500,203	02/08/2000	Mario S. Tozzi	TOZZI 201	2252

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/50063

Applicant(s)

70220

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 6/4/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-18 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to Applicant's Response(Paper #3) filed 6/4/02.
2. Applicant added no claims, deleted no claims, and amended no claims.
3. Original claims, 1-18 as filed, are pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 USC 103(a) as unpatentable over Fleming(US Pat. No: 5,953,710) in view of Rosen(US Pat. No: 6,205,436) and further in view of Messner(US Pat. No: 6,370,514).

6. As per claims 1 and 10 Fleming teaches a system for collecting, storing and forwarding account approval information for transactions between terminals and hosts(Fig 1/14/10/12b/6/8/4/2)(col 4 line 54-col 5 line 38) enabling account withdrawals and charges by someone other than an accountholder(Abstract)(col 6 line 20-col 7 line 37) which comprises an input terminal in which a source accountholder provides data indicating a source account at an institution from which funds will be paid, a cap value on the amount of the funds to be made available(Fig 3/66)(Fig 4/66). Rosen teaches an authorization and a secret code(Fig

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2/10/12/16/38/44/34)(col 5 line 45-col 8 line 4).Messner teaches transmission to a trigger server(Fig 1B)(col 7 line 44-col 9 line 65) which stores account information and authorization and secret code and a requesting terminal at which the first person to enter the secret code is provided the source account approval information for a transaction up to the cap limit to the institution in which the previously provided source account is maintained(Fig 2A)(Fig 2B)(col 9 line 66-col 10 line 58). It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Rosen to teach the above. The motivation to combine is to teach a system to permit remote delivery of electronic merchandise or services with real time anonymous payment or real-time authorization based payment where neither the customer nor the merchant can interfere with the payment and delivery process once they have agreed to the transaction as enunciated by Rosen(col 2 lines 10-15).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Rosen and further in view of Messner to teach all of the above.The motivation to combine is to teach a method of marketing limited value electronic gift certificates and coupons for online redemption as enunciated by Messner(col 2 lines 61-64).

7. As per claim 2 Fleming teaches a system as claimed in claim 1 wherein the input terminal is an automated teller machine, a credit or debit card block(col 7 lines 47-64), a point of sale machine, a personal computer, a lotto machine, a touch-tone telephone(Fig 1/14) a fax machine or a wireless device.

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8. As per claim 3 Rosen teaches a system as claimed in claim 1 wherein the input terminal generates a random secret code(col 4 line 60-col 5 line 30).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Rosen to teach the above. The motivation to combine is to teach a system to permit remote delivery of electronic merchandise or services with real time anonymous payment or real-time authorization based payment where neither the customer nor the merchant can interfere with the payment and delivery process once they have agreed to the transaction as enunciated by Rosen(col 2 lines 10-15).

9. As per claim 4 Rosen teaches a system as claimed in claim 1 wherein the secret code is established by the sender via keyboard input, digitally(col 4 lines 50-53)(Fig 3)(col 8 lines 22-31)(Fig 4B),optically or magnetically.It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Rosen to teach the above. The motivation to combine is to teach a system to permit remote delivery of electronic merchandise or services with real time anonymous payment or real-time authorization based payment where neither the customer nor the merchant can interfere with the payment and delivery process once they have agreed to the transaction as enunciated by Rosen(col 2 lines 10-15).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Rosen and further in view of Messner to teach all of the above.The motivation to combine is to teach a method of marketing limited value electronic gift certificates and coupons for online redemption as enunciated by Messner(col 2 lines 61-64).

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10. As per claim 5 Fleming teaches a system as claimed in claim 1 wherein the input terminal also includes a barcode reader, a printing device, a magnetic-card writer, or a magnetic card reader(col 7 lines 47-64).

11. As per claim 6 Rosen teaches a system as claimed in claim 5 wherein the secret code is printed as numbers(Fig 5)(Fig 6A)(col 10 lines 65-66)(col 11 line 43-col 12 line 10)(col 11 line 47) letters, symbols, or barcode, or is digitally or magnetically stored in a card. It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Rosen to teach the above. The motivation to combine is to teach a system to permit remote delivery of electronic merchandise or services with real time anonymous payment or real-time authorization based payment where neither the customer nor the merchant can interfere with the payment and delivery process once they have agreed to the transaction as enunciated by Rosen(col 2 lines 10-15). Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Rosen and further in view of Messner to teach all of the above. The motivation to combine is to teach a method of marketing limited value electronic gift certificates and coupons for online redemption as enunciated by Messner(col 2 lines 61-64).

12. As per claim 7 Fleming teaches a system as claimed in claim 1 wherein the requesting terminal is an automated teller machine, a credit or debit card block, a point of sale machine, a personal computer, a lotto machine, a fax machine, a wireless device, or a touch-tone telephone(Fig 1/14/2/12(b)/10).

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13. As per claim 8 Fleming teaches a system as claimed in claim 1 wherein the requesting terminal also includes a barcode reader or a magnetic card reader(col 7 lines 47-64).

14. As per claim 9 Fleming teaches a system as claimed in claim 1, wherein the source account is a credit account(Fig 4/2/4)(Fig 3/2/4), a checking account, a savings account, a money market account, an investment account, or a telephone account.

15. As per claim 14 Fleming teaches a method as claimed in claim 10 wherein further comprises entering a beneficiary account to where money should be remitted(Fig 7)(Fig 10/136/134)(col 10 lines 48-54)(col 11 line 50-col 12 line 3).

16. As per claim 15 Fleming teaches a method as claimed in claim 14 wherein said beneficiary account is a checking account(col 13 lines 25-36)(Fig 2)(col 15 lines 28-30), a money market account, an investment account, or a savings account.

17. As per claim 16 Fleming teaches a method as claimed in claim 14 wherein the beneficiary account is provided via a magnetic or digital card, keyboard input, or a barcode.(col 7 lines 47-64)(Fig. 3/60).

18. As per claim 17 Fleming teaches a method as claimed in claim 10 wherein said step of entering the secret code at a requesting terminal further comprises a step of entering personal identification(col 6 lines 20-47)(Fig 2/36).

19. As per claim 18 Rosen teaches a method as claimed in claim 17 wherein said identification is input via a keyboard, a magnetic or digital card, or a barcode(col 8 lines 45-53).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of

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Rosen to teach the above. The motivation to combine is to teach a system to permit remote delivery of electronic merchandise or services with real time anonymous payment or real-time authorization based payment where neither the customer nor the merchant can interfere with the payment and delivery process once they have agreed to the transaction as enunciated by Rosen(col 2 lines 10-15).

***Claim Rejections - 35 USC § 112***

20. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

21. Claims 11-13 are further rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular the inventor should address why is the service charge imposed and through what mechanism is currency dispensed.

***Response to Arguments***

22. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

23. **THIS ACTION IS MADE NON FINAL.**

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24. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703)-308-6296 or 6306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3900.

GRA

  
June 27, 2002